

Refinery located in Pasadena, Texas. Pl.'s Orig. Pet. at pp. 2-4. The lawsuit alleges negligence and gross negligence against each of the defendants. Pl.'s Orig. Pet. at pp. 7-10.

II. VENUE

2. This Court occupies the district and division in which Plaintiff's lawsuit was filed. *See* 28 U.S.C. § 1446(a).

III. BASIS FOR REMOVAL

3. A foreign state has an absolute right to remove any suit to which it is a party. 28 U.S.C. § 1441(d). Removal is proper because 28 U.S.C. § 1441(d) expressly provides for the removal of this suit. Defendant PIB BV is a "foreign state" as defined in 28 U.S.C. § 1603(a).

4. Because removal is proper under 28 U.S.C. § 1441(d), PIB BV need not obtain the consent of all other defendants before removing this case to federal court. *Arango v. Guzman Travel Advisors Corp.*, 621 F.2d 1371, 1375-76 (5th Cir. 1980).

5. This Notice of Removal is being filed within thirty days of service of PIB BV and is therefore timely pursuant to 28 U.S.C. § 1446(b). Even if untimely, 28 U.S.C. § 1441(d) provides that the time limitations in § 1446(b) may be enlarged at any time for cause shown.

IV. JURY DEMAND

6. Plaintiff has demanded a jury in the state court action, but Plaintiff is not entitled to a jury trial in this Court. U.S.C. § 1441(d).

V. DOCUMENTS FILED WITH THIS NOTICE

7. Pursuant to Southern District of Texas Local Rule 81, PIB BV files the following documents with the Court:

- Exhibit A An index of matters being filed with this notice (pursuant to Local Rule 81.5);
- Exhibit B Plaintiff's Original Petition (pursuant to Local Rule 81.2);
- Exhibit C All answers filed by defendants in the case (pursuant to Local Rule 81.2);
- Exhibit D All executed process filed in the case (pursuant to Local Rule 81.1);
- Exhibit E One order signed by the state court judge (pursuant to Local Rule 81.3);
- Exhibit F The docket sheet in the state court case (pursuant to Local Rule 81.4);
- Exhibit G A list of all counsel of record, including addresses, telephone numbers, and parties represented in the state court case (pursuant to Local Rule 81.6); and
- Exhibit H A copy of the Notice of Removal to Federal Court to be filed with the state court.

VI. CONCLUSION

BASED ON THE FOREGOING, Defendant Petrobras International Braspetro, B.V. removes this case from the 234th District Court, Harris County, Texas, to this Court.

Respectfully submitted,

HOLMAN FENWICK WILLAN (USA)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded to all counsel of record via e-filing system, electronic mail and/or facsimile on this 23rd day of April 2018:

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